

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re

CUSTOMS AND TAX ADMINISTRATION  
OF THE KINGDOM OF DENMARK  
(SKATTEFORVALTNINGEN) TAX  
REFUND SCHEME LITIGATION

MASTER DOCKET

18-md-2865 (LAK)

This document relates to: 18-cv-09797<sup>1</sup>  
18-cv-10100

**NOTICE OF THIRD-PARTY PLAINTIFFS/COUNTERCLAIM-DEFENDANTS'  
MOTION TO DISMISS ED&F MAN CAPITAL MARKETS LTD.'S COUNTERCLAIM**

**PLEASE TAKE NOTICE THAT**, upon the accompanying memorandum of law and declaration of John C. Blessington, Plaintiffs and Defendants-in-Counterclaim DW Construction, Inc. Retirement Plan, Kamco Investments, Inc. Pension Plan, Kamco LP Profit Sharing Pension Plan, Linden Associates Defined Benefit Plan, Moira Associates 401(K) LLC Plan, Riverside Associates Defined Benefit Plan, American Investment Group of New York, L.P. Pension Plan, and Newsong Fellowship Church 401(k) Plan (the “Plans”) named in the above-captioned multidistrict litigation (18-md-02865) and the related actions (18-cv-09797 and 18-cv-10100), hereby move this Court for an order dismissing ED&F’s Counterclaims against the Plans with

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<sup>1</sup> SKAT’s actions first filed in Utah federal court were consolidated and then transferred to this Court. The above-captioned related action, 18-cv-09797, comprises the following actions: *SKAT v. DW Construction, Inc. Retirement Plan*, 18-cv-09797 (S.D.N.Y.); *SKAT v. Kamco Investments Inc. Pension Plan*, 18-cv-09836 (S.D.N.Y.); *SKAT v. Kamco LP Profit Sharing Pension Plan*, 18-cv-09837 (S.D.N.Y.); *SKAT v. Linden Associates Defined Benefit Plan*, 18-cv-09838 (S.D.N.Y.); *SKAT v. Moira Associates LLC 401K Plan*, 18-cv-09839 (S.D.N.Y.); *SKAT v. Riverside Associates Defined Benefit Plan*, 18-cv-09840 (S.D.N.Y.); and *SKAT v. American Investment Group of New York, L.P. Pension Plan*, 18-cv-09841 (S.D.N.Y.).

prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6) and for such other, further, or different relief as the Court deems just and proper.

March 30, 2020

Respectfully submitted,

K&L GATES LLP

/s/ John C. Blessington

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